



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

PHONE: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER, Governor
DAVID R. TUTHILL, JR., Director

July 8, 2009

MARCEL WANDERS
SEMINIS VEGETABLE SEEDS
10721 SCOTCH PINE RD
PAYETTE ID 83661

Re: Water Right No. 65-13486

Dear Water Right Owner:

You filed an Application for Amendment of Permit for the above referenced water right. The right is a License. Licenses can be changed via the Application for Transfer process but not by not the amendment process. The amendment application is therefore returned. A refund is not applicable because a fee was not paid.

You described a need to use 65-13486 as a primary right instead of a supplemental right. Simply dropping condition of approval #065 would result in an expansion of use under the right. An expansion of use cannot be approved under Idaho water right law (I.C. § 42-222).

It might be possible to propose a transfer application changing your supplemental irrigation right to a primary right if adequate additional information can be provided. The main idea is to document the extent of supplemental irrigation use, and then to reconfigure that amount of use for a primary use on fewer acres. This might or might not meet your needs.

A possible complication is your other irrigation right from a different well but for some of the same acres. License No. 65-12846 covers 12 acres also identified in 65-13486. It might need to be part of a transfer proposal.

Enclosed is some information to help you consider the transfer application option as follows:

- selected pages from the department policy memorandum in this regard
- transfer information sheet
- consumptive use data and notes for onions in your area
- consultant list for additional technical help.

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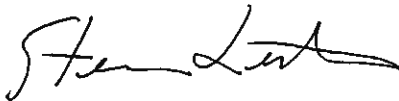
You can learn more about the transfer process by visiting the department website: www.idwr.idaho.gov and select the "water rights transfer" box near the top of the page.

You might determine it is not feasible to accomplish your goal through the transfer process. In that case, you might consider seeking a new primary irrigation right from your well(s) by filing an Application for Permit. This would require documentation from the Lower Payette Ditch Company that all surface water rights have been severed from the land you want to irrigate solely with ground water. Approval of a new water right under those circumstances would probably require relinquishment or abandonment of the irrigation portions of rights 65-12846 and 65-13486 upon approval of the new primary irrigation right (cannot duplicate irrigation rights from the same well(s) for the same land).

Please note that any water right filing you submit requires a filing fee. Fees are listed in application instructions.

In summary, your proposal presents difficult water right questions not easily resolved. Please contact me at 208-334-2190 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Lester", with a stylized, cursive script.

Steve Lester
Water Rights Supervisor

Enclosure